

STAYED,ENE,IFP,LNO,USMSVC

**U.S. District Court**  
**Southern District of California (San Diego)**  
**CIVIL DOCKET FOR CASE #: 3:18-cv-00367-JAH-RBB**

Emilio Reyes v. United States Department of the Interior et al  
Assigned to: Judge John A. Houston  
Referred to: Magistrate Judge Ruben B. Brooks  
Cause: 05:0552fi Freedom of Information Act

Date Filed: 02/16/2018  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: Federal Question

**Plaintiff****Emilio Reyes**

represented by **Emilio Reyes**  
615 5th Avenue  
Chula Vista, CA 91910  
(619) 829-0130  
PRO SE

V.

**Defendant**

**United States Department of the  
Interior, Bureau of Indian Affairs**

represented by **Rebecca Grace Church**  
United States Attorney's Office  
Southern District of California  
880 Front Street  
Room 6293  
San Diego, CA 92101  
(619) 546-7721  
Email: [rebecca.church@usdoj.gov](mailto:rebecca.church@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of the  
Interior, Office of the Solicitor**

represented by **Rebecca Grace Church**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/16/2018	<u>1</u>	COMPLAINT against All Defendants, IFP Filed, filed by Emilio Reyes.  The new case number is 3:18-cv-367-LAB-MDD. Judge Larry Alan Burns and Magistrate Judge Mitchell D. Dembin are assigned to the case.(sjm) (Additional attachment(s) added on 2/16/2018: # <u>1</u> Civil Cover Sheet) (sjm). (sjt). (Entered: 02/16/2018)
02/16/2018	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Emilio Reyes. (sjm) (Entered: 02/16/2018)
02/23/2018	<u>3</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge John A. Houston and Magistrate Judge Ruben B. Brooks for all further proceedings. Judge Larry Alan Burns, Magistrate Judge Mitchell D. Dembin no longer assigned to case. Pending hearings previously set before the original Judge(s) have been transferred to the newly assigned Judge(s). Create association to 3:17-cv-01190-JAH-RBB. The new case number is 18cv367-JAH-RBB. Signed by Judge Larry Alan Burns on 2/21/2018. Signed by Judge John Houston on 2/20/2018.(All non-registered users served via U.S. Mail Service)(jdt) (Entered: 02/23/2018)

10/29/2018	<u>4</u>	ORDER granting <u>2</u> Motion Proceed in forma pauperis. US Marshal shall effect service of complaint. (Summons and IFP package prepared). Signed by Judge John A. Houston on 10/24/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 10/29/2018)
10/29/2018	<u>5</u>	Summons Issued. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically.</b> (Attachments: # <u>1</u> in forma pauperis letter)(jpp) (Entered: 10/29/2018)
12/18/2018	<u>6</u>	Ex Parte MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)Attorney Rebecca Grace Church added to party United States Department of the Interior, Bureau of Indian Affairs (pty:dft), Attorney Rebecca Grace Church added to party United States Department of the Interior, Office of the Solicitor(pty:dft) (jpp). (Entered: 12/18/2018)
12/19/2018	<u>7</u>	ORDER granting <u>6</u> ex parte application for Extension of Time to respond to complaint for declaratory and injunctive relief. Defendants response due by 1/22/2019. Signed by Judge John A. Houston on 12/19/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 12/20/2018)
12/19/2018	<u>8</u>	SUMMONS Returned Executed by Emilio Reyes. United States Attorney, Southern District served. (jpp) (Entered: 12/26/2018)
12/19/2018	<u>9</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Office of the Solicitor served. (jpp) (Entered: 12/26/2018)
12/19/2018	<u>10</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of Justice served. (jpp) (Entered: 12/26/2018)
12/19/2018	<u>11</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs served. (jpp) (Entered: 12/26/2018)
01/07/2019	<u>12</u>	Ex Parte MOTION to Stay <i>During Lapse in Appropriation</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 01/07/2019)
01/07/2019	<u>13</u>	ORDER granting <u>12</u> Defendant's ex parte application for stay during lapse in Department of Justice appropriation. Signed by Judge John A. Houston on 1/07/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/08/2019)
01/15/2019	<u>14</u>	FIRST AMENDED COMPLAINT with Jury Demand against United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor, filed by Emilio Reyes. (Summons and IFP package prepared). (jpp) (Entered: 01/16/2019)
01/16/2019	<u>15</u>	Summons Issued on First Amended Complaint. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically.</b> (Attachments: # <u>1</u> in forma pauperis letter)(jpp) (Entered: 01/16/2019)
02/01/2019	<u>16</u>	NOTICE of Lifting of Stay, Joint by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (Entered: 02/01/2019)
02/26/2019	<u>17</u>	MOTION to Dismiss for Lack of Jurisdiction and Failure to State a Claim by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 02/26/2019)
02/27/2019	<u>18</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference. Early Neutral Evaluation set for 3/19/2019 03:00 PM before Magistrate Judge Ruben B. Brooks.. Signed by Magistrate Judge Ruben B. Brooks on 2/27/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/27/2019)

03/15/2019	<u>19</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Rejecting Document: Second Amended Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), OTHER: Civ.L. Rule 15.1 No leave to file Second Amended Complaint. FED.R.CIV.P 15(a)(2) – Plaintiff must seek leave of the court to file an amended complaint.. Signed by Judge John A. Houston on 3/13/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Additional attachment(s) added on 3/15/2019: # <u>1</u> rejected document) (jpp). (Entered: 03/15/2019)
03/20/2019	<u>20</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks:Case Management Conference and Early Neutral Evaluation Conference held on 3/20/2019. Settlement Conference set for 7/9/2019 at 2:00pm. Signed by Magistrate Judge Ruben B. Brooks on 3/20/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
03/20/2019	<u>21</u>	SCHEDULING ORDER regulating discovery and other pre-trial proceedings. A Settlement Conference shall be conducted on 7/09/2019 at 2:00pm. Signed by Magistrate Judge Ruben B. Brooks on 3/20/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
03/20/2019	<u>22</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Plaintiffs Ex Parte Application for Leave to File a Second Amended Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing time and date on motion and/or supporting documentation, Civ. L. Rule 7.1: Date noticed for hearing not in compliance with rules/documents are not timely. Nunc Pro Tunc 3/19/2019. Signed by Judge John A. Houston on 3/20/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
03/20/2019	<u>23</u>	Ex Parte MOTION for Leave to File a Second Amended Complaint by Emilio Reyes. NUNC PRO TUNC 3/19/2019 (jpp) (Entered: 03/20/2019)
03/21/2019	<u>25</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs served. (jpp) (Entered: 03/28/2019)
03/21/2019	<u>26</u>	SUMMONS Returned Executed by Emilio Reyes. United States Attorney's Office, San Diego served. (jpp) (Entered: 03/28/2019)
03/21/2019	<u>27</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Office of the Solicitor served. (jpp) (Entered: 03/28/2019)
03/21/2019	<u>28</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of Justice (jpp) (Entered: 03/28/2019)
03/25/2019	<u>24</u>	ORDER setting briefing schedule on <u>23</u> Plaintiff's Motion for Leave to amend. Defendants shall file and serve a response to Plaintiffs motion for leave to amend on or before 4/22/2019. If Plaintiff wishes to file a reply, he may file and serve a reply on or before 5/13/2019. The hearing on Defendants motion to dismiss set for 4/02/2019 is vacated and rescheduled to 6/03/2019 at 2:20pm. Signed by Judge John A. Houston on 3/25/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/25/2019)
04/22/2019	<u>29</u>	NON Opposition re <u>23</u> MOTION for Leave to File <i>Seond Amended Complaint</i> by <i>Plaintiff</i> filed by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (Entered: 04/22/2019)
04/29/2019	<u>30</u>	ORDER granting <u>23</u> unoppsed Motion for Leave to amend. Plaintiff shall file and serve the second amended complaint on or before 5/17/2019. Signed by Judge John A. Houston on 4/26/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 04/29/2019)
05/09/2019	<u>31</u>	SECOND AMENDED COMPLAINT with Jury Demand against United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor, filed by Emilio Reyes. (jpp) (Entered: 05/10/2019)
05/13/2019	<u>32</u>	ORDER denying <u>17</u> Defendants' Motion to Dismiss as moot. Signed by Judge John A. Houston on 5/13/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/13/2019)

05/23/2019	<u>33</u>	ANSWER to <u>31</u> Amended Complaint <i>Second Amended</i> by United States Department of the Interior, Office of the Solicitor, United States Department of the Interior, Bureau of Indian Affairs. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 05/23/2019)
07/02/2019	<u>34</u>	Joint MOTION to Continue <i>the Settlement Conference</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (tcf). (Entered: 07/02/2019)
07/02/2019	<u>35</u>	ORDER Granting <u>34</u> Joint Motion to Continue the Settlement Conference. The parties shall submit a joint settlement status report by August 13, 2019. The settlement conference set on July 9, 2019 is CONTINUED to August 20, 2019, at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 7/2/2019. (All non-registered users served via U.S. Mail Service) (tcf) (jao). (Entered: 07/02/2019)
08/20/2019	<u>36</u>	Minute Order. A settlement conference was held. A telephonic settlement conference is set for November 26, 2019, at 8:30 a.m. Counsel for Defendant is to initiate the call. Signed by Magistrate Judge Ruben B. Brooks on 8/20/2019. (Plaintiff Attorney Emilio Reyes). (Defendant Attorney Rebecca G. Church). (All non-registered users served via U.S. Mail Service) (tcf) (Entered: 08/21/2019)
11/26/2019	<u>37</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks: A telephonic attorneys-only settlement conference was held. A telephonic attorneys-only settlement conference is set for February 25, 2020, at 8:30 a.m. Counsel for Defendant is to initiate the call. (Plaintiff Attorney Emilio Reyes). (Defendant Attorney Rebecca G. Church). (All non-registered users served via U.S. Mail Service) (tcf) (Entered: 11/26/2019)